

Present: Jane Connolly, Chairman; Joe Limone, Vice Chairman; Don Saltzman, Stephan Grozinger, Ken Edgar, Pierre Ratte, Britta Lerner

Also present: Land Use Director

Meeting digitally recorded July 16, 2012

APPROVAL OF MINUTES: Agenda item moved to the end of the meeting.

DISCUSSION/DECISION: SKUNK PROPERTIES LLC, LOT DEVELOPMENT PLAN, PLAN E, LOT 3, FAR HORIZON SUBDIVISION 10 LADDER HILL ROAD SOUTH (THE HUNTINGTON CO.)

Attorney William Fitzpatrick, representing the owner of Lot 3 of the Far Horizon Subdivision, was present. Vivian Simon and Robert Walpuck were also present.

Michael Buturla, P. E. of The Huntington Co. went over the lot development plan in detail and stated that the applicant had health approval. Also the applicant had complied with the zero incremental runoff requirements.

Don Saltzman questioned if the 30' access way met the Subdivision Regulations and then the Commission referred to their Subdivision Regulations and found that it was 40' and questioned if is their was enough acreage to accommodate it?

A discussion of the access way and property lines followed. Stephan Grozinger referred to a recent memo regarding Robert Walpuck's reference to the driveways and a discussion ensued.

Robert Walpuck brought the Commission's attention to the map showing the solid line on the common driveway and felt it was necessary to comply with the regulations regarding the common driveway. Also that the Town Attorney reviewed the map with the lot with the solid line and felt the map was changed to show a dotted line on the common driveway. He stated that the map was not recorded within the 240 days of required statute time from the approval date. Then the map was recorded after 270 days. Mr. Walpuck felt the new owner filed a fraudulent map. A discussion followed on the solid line versus the dotted line and had The Huntington Company changed the map after the new owner bought it prior to November 21, 2011. Mr. DiCaro was the previous owner. The Commission did not approve the map with the dotted line. Attorney Fitzpatrick spoke in defense of the new owner with a rebuttal by Robert Walpuck. Robert Walpuck stated that there is no approval on the map with the dotted line.

LOT DEV, LOT 3 CONT:

Ken Edgar stated that they are in litigation and suggested going into Executive Session to understand where we are.

MOTION:

Ken Edgar moved that the Commission approve going into Executive Session. Seconded by Pierre Ratte. After discussion, the motion did not carry.

Don Saltzman moved that the Commission move forward with its discussion. Seconded by Stephen Grozinger. Vote in favor (4-3) Ken Edgar, Pierre Ratte and Britta Lerner voting against.

DECISION:

The Commission members went over the draft approval prepared by the Land Use Director. Stephan Grozinger edited a section.

LOT DEV. LOT 3 CONT:

Don Saltzman moved that the Commission approve the Lot Development Plan for 10 Ladder Hill Road South, Lot 3 of the Far Horizon Subdivision, as shown on the site plan entitled "Data Accumulation Plan "E" Lot 3 – Far Horizon Subdivision, prepared by The Huntington Company, LLC, dated 6/20/12, subject to conditions and edited by Stephan Grozinger. Seconded by Jane Connolly. Vote in favor (5-2) Ken Edgar and Pierre Ratte voting against.

DISCUSSION/DECISION CONT: REFERRAL FROM ZONING ENFORCEMENT OFFICER, APPLICATION FOR A ZONING PERMIT, REBUILD GARAGE WITH ROOM ABOVE, 9 MEADOWBROOK LANE (SHAPIRO)

Michael Shapiro and his father presented their request for a Zoning Permit to rebuild a garage with a room above at 9 Meadowbrook Lane. Also stated that they had received Conservation approval. The Land Use Director presented a revised A-2 Survey with the 100 year floodplain boundary and the 50 foot watercourse setback line delineated thereon.

Robert Walpuck, present, stated that the house and proposed garage are in the front setback and are in violation and totally illegal. A discussion followed. It was noted that the house was built in 1935 prior to the adoption of the Weston's Zoning Regulations. Also the lot is a flag lot with a 30 foot setback on all sides. Jane Connolly felt the only issue is the garage location and it is not within the setback and therefore is legal.

SHAPIRO CONT:

Motion:

Jane Connolly moved that the Commission approve 9 Meadowbrook Lane for a Zoning Permit application subject to final approval from the Westport Weston Health District. Seconded by Stephan Grozinger. Vote in favor (7-0)

66.51sec.

APPROVAL OF MINUTES:

Stephan Grozinger moved that the Commission approve the minutes of July 2, 2012, edited by Jane Connolly, Stephan Grozinger, Pierre Ratte, & Britta Lerner. Seconded by Pierre Ratte. Vote in favor (6-0) Ken Edgar absent from this meeting.

OTHER BUSINESS:

Motion:

Ken Edgar moved that the Commission add to the agenda an Executive Session to discuss litigation of RAS Realty, LLC, 4 Christopher Hill Road, Weston Ct. and EBS Realty, LLC, 4 Christopher Hill Road, Weston, Ct. 06883 vs. Planning & Zoning, Town of Weston. Seconded by Pierre Ratte. Vote in favor (7-0)

Motion:

Ken Edgar moved that the Commission approve going into Executive Session. Seconded by Pierre Ratte. Discussion ensued.

In favor (4-3) Stephan Grozinger, Joe Limone, Jane Connolly voting against.

Since the Weston Town Charter provides that the Commission needs a 2/3 vote, the Commission did not go into Executive Session.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on September 24, 2012

